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NEW YORK, SATURDAY, AUGUST 31, 1901.

WEATHER—Showers To-Night; Sunday Fair.

7TH EDITION

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FUTURITY A BATTLE OF MILLIONAIRES.



PERRY BELMONT.

GREAT RACE LOOKS TO BE PRIZE OF RICH MAN

Fast Track for the Greatest Field of Two-Year-Olds that Ever Struggled for the Great Prize—Horses Worth \$390,000, Stake Valued at \$45,000.



WILLIAM C. WHITNEY.

PROBABLE STARTERS IN THE FUTURITY.

Horse	Jockey	Weight	Owner	Betting
Hyphen	(Beauchamp)	122	S. S. Brown	15 to 1
Barron	(J. Woods)	112	John Daly	40 to 1
Carroll	(Miles)	119	W. C. Daly	100 to 1
De Reszke	(Miles)	117	Frank Farrell	20 to 1
Port Royal	(Spencer)	122	J. R. & F. P. Keene	25 to 1
My Wheel	(Bullman)	122	Perry Belmont	10 to 1
Sturday	(McGee)	112	A. H. & D. H. Morris	15 to 1
Lux Casta	(Fairgood)	109	H. T. Oxnard	50 to 1
The Tallman	(L. Smith)	112	Oneck Stable	20 to 1
Caughnawaga	(McGhee)	112	W. H. Sealey	40 to 1
Pentecost	(Miles)	119	J. D. Nut	20 to 1
Yankee	(O'Connor)	119	John Madden	5 to 2
Blue Girl	(Staw)	128	John Madden	5 to 2
Gundie	(Madden)	114	John Madden	5 to 2
Heno	(Olsen)	112	Clarence Mackay	8 to 1
King Hanover	(Cochran)	123	W. C. Whitney	8 to 5
Nautium	(Turner)	123	W. C. Whitney	8 to 5
Goldsmith	(Burns)	131	W. C. Whitney	8 to 5

CAPT. HERLIHY IS TO BE REINDICTED.

Philbin Will Bring His Case Before the September Grand Jury, Asking Immediate Action.

Capt. Herlihy will be tried again. District-Attorney Philbin is determined that he shall not escape on a technicality. Assistant District-Attorney Garvan received a telegram from Mr. Philbin this morning saying that the case against Herlihy would be pushed at once.

The telegram announced that Recorder Goff's demurrer would simply delay matters and in no way would it interfere with action on the case. The charges against Herlihy, the District-Attorney said, would be presented to the next Grand Jury, which

will meet next Tuesday, and an indictment would be found which will resist all the demurrers that might be brought to bear on it.

Mr. Philbin is now in the Catskills, but he is kept constantly posted on the affairs of his office. He is expected home early Monday morning.

Mr. Garvan would not outline the proceedings to be brought against Herlihy. He said that a perfect case had been formed, and care would be taken that the next indictment would be demurrer-proof, so that a technicality would not again delay matters.

BODY TO BE CREMATED.

Gen. Ludlow's Ashes to Be Interred at Home. WASHINGTON, Aug. 31.—Information has been received at the War Department that the remains of Brigadier-General Ludlow will be cremated. Services will be held Tuesday at Trinity Church in New York. The ashes will be interred at the old home of the Ludlows on Long Island.

WEATHER FORECAST.

Forecast for the thirty-six hours ending 8 P. M. Sunday, Sept. 1, for New York City and vicinity: Showers to-night; Sunday fair; light variable winds becoming fresh north.

Want Depew to Open Exposition. CHARLESTON, Aug. 31.—The directors this evening resolved to invite Chauncey M. Depew to deliver the leading address at the opening of the South Carolina Exposition on Dec. 1.

(Special to The Evening World.) RACE TRACK, SHEEPSHEAD BAY, Aug. 31.—Just before post time of the first race Green D. Morris's Homestead and F. M. Taylor's Utopian were announced as added starters to the Futurity. Homestead will carry 112 pounds, and Utopian 122.

(Special to The Evening World.) SHEEPSHEAD BAY, Aug. 31.—The sun rose up out of the ocean this morning like a great ball of molten metal.

The sight gladdened the hearts of owners, trainers, stable boys and every one else interested in the great Futurity, for it meant fine weather and fast track for the big race.

Every stable that sheltered a Futurity eligible was astir early. Sleepy-eyed youngsters tumbled out at the first streak of dawn and began to make things ready for the big event to come. The trainers followed shortly after, and the thoroughbred, in whom all the hope and pride of the stable hands were centered, was carefully inspected. Many things happen overnight to the thoroughbred,

and that is why so many anxious eyes peered into darkened stalls in the early hours of the morning.

The Early Morning Breather.

All of the probable starters in today's big event were out on the track early. The big yellow sun promised hot weather, and trainers made haste to give their charges a breather while the air was still fresh and sweet.

Up in the grand stand, in spite of the early hour, there was quite a crowd watching the Futurity horses gallop through the stretch. These were the sharpshooters.

The collection was a motley one, made up of jacks, bookmakers, employees, trainers, owners and others more or less interested in the race. Nearly all of these men held watches in their hands, and the final dash of a furlong through the stretch was carefully timed, and the action of the horse noted.

It would be worth thousands of dollars to a bookmaker to know that any one of the choices in the big race had gone off a bit and had no chance of winning. The bookie would lay a gen-

(Continued on Fourth Page.)

OLD COLUMBIA LEADS NEW DEFENDER TO FIRST MARK.

Captain Barr Out-Jockeys Rhodes at the Start and Increases His Lead in First Fifteen Miles.

BATEMAN'S POINT, 2.15 P. M.—The yachts are within seven miles of the finish, Columbia still leading and having the race well in hand apparently, barring accidents. Constitution, however, appeared to have gained a trifle, but does not seem to be able to overtake the old boat. The wind is now a little east of southeast, the yachts are coming in on a broad reach with balloon jibs set without spinnakers.

BATEMAN'S POINT, NEWPORT, R. I., Aug. 31.—After two long months of hard preliminary racing, during which each boat had defeated the other eight times, the Constitution and Columbia went out to Brenton's Reef Lighthouse this morning for the first of the series of trial races to determine which could be the defender of the America's Cup against Sir Thomas Lipton's Shamrock II.

Both Boats Very "Fit."

Both left the harbor in the very pink of condition. Each recognized the other's strong points and abilities. Those on the Columbia knew the Constitution to be the culmination of Mr. N. G. Herreshoff's experience in yacht building and design, and although handicapped throughout the season by mishaps and her apparent inability to find herself, yet she had nevertheless shown herself a worthy opponent and a remarkably fast boat in light airs.

Old Columbia Better than Ever.

On the other hand those who trod the decks of the Constitution looked on the Columbia as a perfectly balanced racing machine, a boat well tried out, beyond the age of experiment, with a skipper and crew thoroughly acquainted with every move, who worked together like a perfectly geared machine.

The crews of both yachts were early on deck this morning looking for wind and weather before making the few final preparations for the start. The early morning was a beautiful one.

racing. The air was clear and invigorating, the sky was spotlessly blue, while from the southeast a good seven-knot breeze was blowing that gave every in-

dication of increasing before 1.30, the time set for the start.

The Regatta Committee came down to the yacht club station about 10.30 and

First Official Trial Race Sailed in a Spanking Ten-Knot Breeze at Newport To-Day.

announced that the yachts would be sent over a fifteen-mile windward and leeward course under the regular America's Cup conditions, with the time limit at five hours and a half.

Both yachts reached the lightship a little after 10.30, the Columbia leading. They found that the breeze had hauled a little to east of southeast and had increased to over ten knots. The Columbia came out with her baby jibtop sail set in addition to the usual working sails, but it was taken in about 11 o'clock.

Columbia's Handicap 1 Min. 11 Sec. The yachts spent the time before the start in standing off and on about the lightship. Just before leaving for the start the committee announced that under the new measurements the Constitution allows the Columbia one minute and eleven seconds over a thirty-mile course. This is a decrease of six seconds since they were last measured.

The committee boat, Mr. John H. Drexel's Sultana, arrived at the lightship shortly after 11 o'clock, and at 11.30 signalled a windward and leeward race of fifteen miles, the course being south southeast. The wind had hauled to the south of east, and had dropped to about eight knots. A good fleet of steam yachts were clustered about the lightship before the yachts started.

Harr Fooled Rhodes.

Both yachts prepared for the start with No. 2 club topsails set over their lower sails and baby jibtop sails in stops. The preparatory signal was fired at 11.30, and five minutes later came the warning signal. Both yachts at this time were up to the windward of the line, but three minutes before the starting signal, the Columbia wore round and stood round the flagpole on the western end of the line. The Constitution followed and tried to overtake the old boat by breaking out her jibtop sail. By cutting in close by the stern of the Sultana the Constitution succeeded in getting a nice place on the weather of the Columbia, but Capt. Barr knew a trick worth two of that. He trimmed in his sheets and being on the starboard tack, forced the Constitution across the line before the sun was fired.

Columbia Got Best Start.

The Columbia was also over, but by quick work, Capt. Barr wore ship and stood back and the next time the Columbia crossed she was in a nice place to the weather of the Constitution and also ahead. The Constitution being slower, could not catch up with the old boat and crossed astern.

The starting times as seen from shore were:

Columbia, 11.41.45.

Constitution, 11.45.00.

PHILBIN SLIGHTS JUSTICE FURSMAN

Will Send No Cases Before Him During the Coming Sitting of the Court.

When Justice Fursman takes his seat, after a vacation of one month, in the Criminal Branch of the Supreme Court next Tuesday, he will face an empty calendar, for no cases have been assigned to him to try.

Nor will any cases be assigned to this division as long as Justice Fursman continues to sit there. District-Attorney Philbin does not like Justice Fursman, nor does the Justice love the District-Attorney.

The action of the District-Attorney in entirely ignoring Justice Fursman created great excitement in the Criminal Court Building when it became known. It is likely that there will be much more excitement when Justice Fursman takes his seat.

The up-State jurist is not a man to quietly submit to a slight such as this, and the situation is further complicated by the fact that he is a Democrat.

On application of former District-Attorney Gardner Justice Fursman was assigned to sit in the Criminal Branch for one year from last December. The assignment was made by the Appellate Division of the Supreme Court.

Everything appeared to move smoothly until the trial of Myles McDonnell, the gambler, for murder, in July. It will be remembered that the District-Attorney one day refused to go on with the case, asserting that Justice Fursman was not in fit condition to hear it. The men had high words and the lie was passed.

Since that time, and while Justice Fursman was on his vacation, the District-Attorney has appealed to the Appellate Division to recall the appointment made last December.

The Appellate Division refused to take any action. This left open to Mr. Philbin the alternative of cutting out the criminal branch of the Supreme Court entirely, and he has done so, alleging that the extraordinary term, conducted

by Justice Glidderleeve, during the month of August, has so cleaned up the work there that there remains nothing for Justice Fursman to do.

The story came out to-day when the calendars of the courts were made public. In the space reserved for the court over which Justice Fursman is to preside appears this notation, "No lay calendar." Assistant District-Attorney Le Barabier has been assigned to the court and on him will devolve the delicate task of informing Justice Fursman that no work has been arranged for him.

Justice Fursman, whose home is in Troy, while assigned to work in this city is paid by the day, receiving a substantial sum for every session of the court. He is regarded as a learned jurist and a just presiding judge, and has handled some of the most important local criminal trials recently.

Fursman "Not Necessary." M. Le Barabier, who is Acting District-Attorney to-day, in the absence of Mr. Philbin, was asked why no calendar had been prepared for Justice Fursman.

"All I know about it is this," was his reply. "A few weeks ago the District-Attorney wrote to Justice Fursman informing him that inasmuch as the case of Justice Glidderleeve had disposed of a business immediately important, a term would not be necessary."

Should the decision of the District-Attorney to close the court of Justice Fursman prevail, all of the criminal business will be thrown upon two of the four parts of the Court of General Sessions. With all parts working, public business is away behind.

Many Untried Cases.

There were 273 untried prisoners in the Tombs at noon to-day. No one outside of the District-Attorney's office knows how many indicted criminals are out on bail. Of the Tombs population there are thirty-five persons accused of murder in the first degree.

Never in the history of Wardens Hayes have there been so many murderers in the Tombs at one time waiting trial.

Some of these murderers, John Davis, accused of killing John Brennan, has been in the Tombs since September, 1900. He has had one trial which resulted in a disagreement. Another who has been in the prison a long time is Alfred Sowe, the murderer of William Brent. He has been in the Tombs since Dec. 15, 1900.

TRAIN BLOWN UP BY THE BOERS.

LONDON, Aug. 31.—A despatch from Lord Kitchener, dated Pretoria to-day, says:

"A train was blown up to-day by

Boers, who at once fired on the train, setting it on fire.

1200. Col. Vandelaar, of the

Guards, a most promising officer, was

attacked. The other casualties were

yet been reported.